



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1410  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,790	09/23/2003	Yoshifusa Togawa	1614.1026D	9568
21171	7590	05/21/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CHANG, ERIC	
			ART UNIT 2116	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/667,790		TOGAWA, YOSHIFUSA	
	<b>Examiner</b>		<b>Art Unit</b>	
	Eric Chang		2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,14 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,14 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 4, 14 and 24-28 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 24 recites the limitation " said method " in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 4, 14 and 24-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 5,666,538 to DeNicola.

6. As to claims 4 and 14, DeNicola discloses a method of controlling power consumption of a management apparatus to which a electronic apparatus is connected via a network, and which shares a common device with the electronic apparatus comprising:

[a] detecting an accessed state to a first common device [245] by the electronic apparatus [col. 3, lines 52-59];

[b] moving files in the first common device to a second common device [242] based on the detected accessed state of the first common device, to gather together files accessed a predetermined number of times on the second common device [col. 3, lines 59-63 and col. 13, lines 10-14]; and

[c] controlling an operational state of the first common device as a result of said moving of files, to thereby reduce power consumption by the management apparatus [col. 13, lines 15-19].

DeNicola teaches that a management apparatus, such as a network server, comprises a common device, such as disk drive, that is accessed by other apparatuses on the network. DeNicola also teaches that accesses to the disk drive are monitored by the server, and data components on the drives are redistributed based on a statistical analysis of the detected accessed states of the disk drive. In addition, DeNicola teaches that the rearrangement of the files comprises gathering together files accessed a predetermined number of times, by determining the number of accesses to a drive [col. 8, lines 29-40] and comparing it to a limit on the number of drive accesses before redistribution of information occurs [col. 12, lines 45-65]. Furthermore, DeNicola teaches an advantageous configuration of the method by which more regularly accessed files are moved to a common disk drive so that other disk drives can be placed into a power-saving mode [col. 13, lines 10-19], substantially as claimed.

7. As to claim 24, DeNicola discloses a management apparatus having a common device shared with an electronic apparatus performing a method comprising: detecting an accessed state to a first common device [245] by the electronic apparatus [col. 3, lines 52-59]; moving files in

Art Unit: 2116

the first common device to a second common device [242] based on the detected accessed state of the first common device, to gather together files accessed a predetermined number of times on the second common device [col. 3, lines 59-63 and col. 13, lines 10-14]; and controlling an operational state of the first common device as a result of said moving of files, to thereby reduce power consumption by the management apparatus [col. 13, lines 15-19]. Because DeNicola teaches the apparatus, DeNicola also teaches the computer-readable recording medium containing a program that performs the same function.

8. As to claim 25, DeNicola discloses a procedure for detecting the usage frequency of the common device [col. 3, lines 52-59], and a procedure for controlling an operation of the common device in accordance with the detected usage frequency [col. 3, lines 59-63].

9. As to claim 26, DeNicola discloses a method of controlling power consumption of a management apparatus to which a electronic apparatus is connected via a network, and which shares a common device with the electronic apparatus comprising: moving files in the first common device [245] to a second common device [242] based on an detected accessed state of the first common device, to gather together files accessed a predetermined number of times on the second common device [col. 3, lines 59-63 and col. 13, lines 10-14]; and controlling an operational state of the first common device as a result of said moving of files, to thereby reduce power consumption by the management apparatus [col. 13, lines 15-19].

Art Unit: 2116

10. As to claim 27, DeNicola discloses a method comprising: generating log information based on an accessed state of files on a first storage device [col. 3, lines 52-59]; detecting a frequency with which files on the first storage device have been accessed from the generated log information [col. 3, lines 52-59]; moving files based on the detected frequency to a second storage device such that frequently accessed files are gathered together on the second storage device [col. 3, lines 59-63 and col. 13, lines 10-14]; and performing power-saving control on the first storage device as a result of said moving of files, to thereby reduce power consumption by the first storage device [col. 13, lines 15-19].

11. As to claim 28, DeNicola discloses the moving files based on the detected frequency to a second storage device such that frequently accessed files are gathered together on the second storage device [col. 13, lines 10-14]. It is well known in the art that files are only moved to a second storage device if the files are capable of being moved to said second storage device, substantially as claimed.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 4, 14 and 24-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Art Unit: 2116

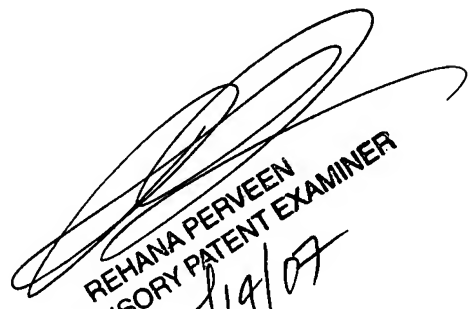
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 10, 2007

ec

  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
5/19/07